

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1780

IN THE MATTER OF:

Served December 13, 1977

JAMES M. SMITH, INC., Investigation )  
and Revocation of Certificate No. 35)

Docket No. 398

The Compact, Title II, Article XII, Section 9(a) mandates that no certificate of public convenience and necessity issued under Section 4 of said Article ". . . shall remain in force . . . unless the person holding such [PCN] certificate complies with such reasonable regulations as the Commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, [and] qualifications as a self-insurer . . . in such reasonable amount as the Commission may require . . . ." Pursuant thereto, Commission Regulation 62 requires carriers generally to maintain bodily injury and property damage in specified amounts. A current certificate of insurance evidencing compliance with Regulation 62 is to be kept on file with the Commission at all times.

By letter dated November 8, 1977, the Commission reminded James M. Smith, Inc. (Smith), that its then-current certificate of insurance would expire on November 26, 1977, and that a new certificate must be filed on or before that date. Smith failed to file the certificate of insurance as required. By certified letter dated November 28, 1977, and received December 1, 1977, as shown on the return receipt, the Commission advised Smith that if it did not file an appropriate certificate of insurance by Monday, December 5, 1977, Smith's certificate of public convenience and necessity would be suspended. Smith has failed to make the required filing.

The Commission therefore finds that Smith is in violation of Title II, Article XII, Section 9(a) of the Compact and Regulation 62 thereunder. Accordingly, Smith's certificate of public convenience and necessity shall be suspended and a proceeding to determine whether said certificate shall be revoked shall be instituted.


THEREFORE, IT IS ORDERED:

1. That the above-captioned proceeding be, and it is hereby, instituted for the purpose of investigating whether Certificate of Public Convenience and Necessity No. 35 shall be revoked.
2. That James M. Smith, Inc., be, and it is hereby, made a party to the above-captioned proceeding.

3. That pursuant to Title II, Article XII, Sections 4(g) and 9(a) of the Compact, Certificate of Public Convenience and Necessity No. 35 of James M. Smith, Inc., be, and it is hereby, suspended until otherwise ordered by the Commission.

4. That James M. Smith, Inc., be, and it is hereby, directed within 30 days from the date of service hereof, fully to comply with the provisions of the Compact, Title II, Article XII, Section 9(a) and Regulation 62 thereunder, and is further directed within said 30 days to file with the Commission an appropriate certificate of insurance or such other evidence in writing and under oath, as it may deem pertinent to show good cause why its certificate of public convenience and necessity should not be revoked.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director 